IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 13610 of 2005

Between:

K. Adinarayana Reddy, S/o. K. Anki Reddy,
(Under Suspension), S.B.H, V.M.C. Branch, Nellore, R/o. H.No.24-2-2159, Magunta Layout, Nellore-3.

..... PETITIONER

AND

1 State Bank Of Hyderabad, Rep. by its Disciplinary Authority,
Asst.General Manager, Regional Office, Tirupathi, Chittor district.
2 State Bank of Hyderabad, Rep by its General Manager (Operations),

Gunfoundry, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 1st respondent in issuing the impugned proceedings bearing No.RVI/GRI/946, dt.20-6-2005 seeking to dismiss the petitioner from service even before the appeal time of 30 days prescribed under section 7(2) of A.P.(SC,ST & BCs) Regulation of Issue of community Certificates Act 1993 is over as arbitrary and illegal and set aside the same.

Counsel for the Petitioner: MR.S.SATYAM REDDY

Counsel for the Respondents: MR.V.JOGAIAH SARMA

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the respondents in issuing show cause notice dated 20.06.2005, wherein the respondents are proposing to take action pursuant to the orders passed by the District Collector and the petitioner is asked to submit his explanation within seven days from the date of receipt of said notice.

According to the petitioner, there is a dispute as to his social status and finally, after conducting due enquiry, the District Collector, who is the competent authority, passed an order against him, against which, he has filed an appeal before the State Government, which is the appellate authority under Section 7(2) of the A.P. (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issuance of Community Certificates Act, 1993. It is the grievance of the petitioner that the respondents have been proposing to take action immediately without even granting minimum time to approach the appellate authority and obtain necessary orders. Therefore, he is constrained to approach this Court.

In any case, as the petitioner has already filed an appeal before

the State Government on 16.06.2005 and already ten days have elapsed, it is for the petitioner to pursue the appellate authority to pass appropriate orders and, at the same time, it is for the respondents not to pass orders for another one week in pursuance of the show cause notice so as to give time to the petitioner to obtain necessary orders from the appellate authority.

The writ petition is accordingly disposed of directing the respondents not to pass any orders upto 05.07.2005 and it is also made clear that if no interim orders are obtained by the petitioner from the appellate authority, the respondents are at liberty to pass appropriate orders thereafter. It is left open to the petitioner to submit his explanation to the respondents before the said date. No costs.

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27.06.2005

Note: Issue CC by tomorrow

(b/o)

VGB

To

1 The Disciplinary Authority, Assistant General Manager, State Bank Of

Hyderabad, Regional Office, Tirupathi, Chittor district.
2 The General Manager (Operations) State Bank of Hyderabad,

Gunfoundry, Hyderabad.

3 2CD copies.